

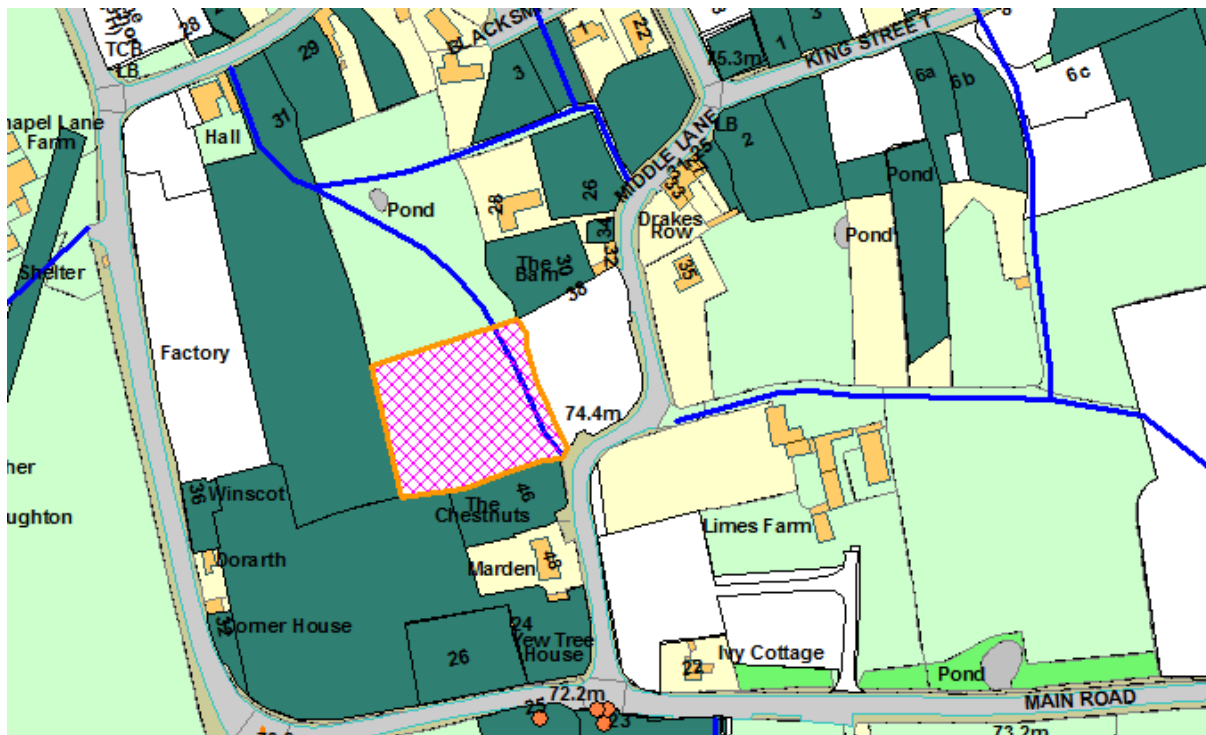
Reference: 17/00950/OUT

Date Submitted: 26 July 2017

Applicant: Mr Mark Greaves

Location: Land Off Middle Lane, Middle Lane, Nether Broughton

Proposal: Outline application for the erection of three dwellings



Proposal:-

The application seeks outline planning permission for the erection of three dwellings, with all matters reserved. However details of the proposed point of access have been included in the application.

It is considered that the main issues arising from this proposal are:

- Compliance or otherwise with the Development Plan and NPPF
- Impact upon the character of the area
- Impact upon residential amenity
- Highway safety

The application has been brought to the planning committee at the request of the Head of Strategic Planning and Regulatory Services.

History:- There is no relevant planning history for this site.

Planning Policies:-

Melton Local Plan (Saved Policies)

Policy OS1 – This policy states that planning permission will only be granted for development within the town and village envelopes provided that the form, character and appearance of the settlement is not adversely affected; the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality, the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity and satisfactory access and parking provision can be made available.

Policy H6 – This policy states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Policy BE1 states planning permission will not be granted for new built development unless, amongst other things, the development would harmonise with surroundings, would safeguard residential amenity, provide adequate space around dwellings and adequate access and parking is provided.

Policy BE12 states planning permission will not be granted for development within any area shown on the proposals map as a protected open area except where a proposal is in conjunction or associated with an existing use and the development would not adversely affect the intrinsic character of the area. (It is to be noted that since the introduction of the NPPF, that this policy cannot be applied - Whilst this policy is a ‘saved’ local plan policy from the 1999 Melton Local Plan, the evidence base prepared to inform the new Melton Local Plan has reviewed all of those areas currently afforded the POA status under the new ‘Local Green Space’ designation and criteria as defined with the NPPF (paragraph 77). As such Policy BE12 is considered to be incompatible with the NPPF and, under para 215 of the NPPF, the content of the latter should take precedence.)

Policy C15 states planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - o any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - o specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation).
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value

- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:-

Consultation Reply	Assessment of Head of Strategic Planning and Regulatory Services
<p>LCC Highways The existing gated access currently serves an agricultural field which is being used as grazing land. The layout of the driveways on either side of the gated access is unusual as they appear to encroach on the Applicants entrance / exit from the gated access which could result in conflict from neighbouring properties. However there appears to be sufficient space within highway land and the red line boundary for the Applicant to provide a safe and suitable access for the quantum of development being applied for.</p> <p>All aspects of the site access submitted as part of any future Reserved Matters application should be shown on a scaled plan and designed in accordance with the 6Cs Design Guide https://resources.leicestershire.gov.uk/environment-and-planning/planning/the-6cs-design-guide. This will remove the requirement for additional highway conditions if planning permission is granted at the Reserved Matters stage.</p> <p>If the LPA grant planning permission the CHA would prefer construction traffic to enter and exit Middle Lane from the A606 Nottingham Road. The CHA would ask the Applicant to look at some temporary signing on the A606 to warn other road users about the construction traffic. There should also be turning facilities within the site if at all possible to allow construction vehicles to leave the site in a forward gear.</p> <p>Internal Layout As this Application is for outline planning permission with all matters reserved for future approval no information on the internal layout has been submitted. Notwithstanding the above there are no details of the proposed mix of housing but the County Highway Authority (CHA) would expect off-street parking to be provided on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. Parking spaces should be 2.4 metres x 5.5 metres and any garages must have minimum internal dimensions of 6 metres x 3 metres if they are to be counted as a parking space. There should also be hard surfaced turning facilities within the site to allow all vehicles to leave the site in a</p>	<p>Noted comments received. Should permission be granted, the appropriate conditions can be included in the decision.</p>

<p>forward gear.</p> <p>Public Right of Way The Public Rights of Way (PROW) team provided observations to the LPA on 11 August 2017 as footpath H18 runs through the site. Therefore these highway observations should be read in conjunction with the PROW comments.</p> <p>Condition 1. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable. Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p> <p>Informatives 1. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring. 2. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.</p>	
<p>LCC PROW The Planning Application has recently been brought to my attention as Public Footpaths H9a and H18 runs across the site. Please find attached an extract from the Definitive Map of Public Rights of Way and a 1:1250 scale plan for your information.</p> <p>I have no objection to the proposal in principle as the effects on the use and enjoyment of the Public Footpaths can be mitigated by appropriate surfacing and landscaping. I note that the applicant considers the paths will be able to be retained on their existing lines without diversion. However, there is a need for detailed discussion on the treatment of the Public Right of Way at a later stage and therefore I recommend that the following condition should be placed on any outline permission granted for the site:</p>	<p>Noted comments. Condition can be included on permission.</p>

<p>1. No development shall take place until a scheme for the treatment of the Public Footpaths has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.</p> <p>Reason: In the interests of amenity, safety and security of users of the Public Right(s) of Way.</p> <p>In compiling a Rights of Way scheme I would draw the applicant's particular attention to the exact location of Public Footpath H18 which does not run close to the field edge. Safe access for pedestrians to Footpath H18 will have to be accommodated within the arrangements for site access off Middle Lane. A stile at Middle Lane will of course no longer be necessary. It may be necessary to temporarily close the path during the construction period and therefore this also needs to be considered in the scheme.</p>	
<p>Parish Council Thank you for allowing the PC an extension to the deadline for comments in this case to allow for full and open discussion. Cllrs discussed the application at their meeting this week and have no objections to the plans Cllrs did, however, make the following observations;</p> <ul style="list-style-type: none"> • Cllrs noted that the land in question has been designated local green space by the Neighbourhood Plan (this Plan recently completed the phase 16 consultation and will soon be going into examination phase) and is classified a protected open space by MBC. The PC is not objecting to the application on this basis because the applicants have indicated that a section of land (outlined in blue in the plans) will be gifted to the community. Cllrs felt that this application presents a good opportunity to protect this land for the future and as thus felt the proposal constitutes special circumstances as required for development in this area by the NP. • Cllrs noted that two footpaths pass through the land in question and would want the relevant departments to be happy with the plans and for footpaths to be protected and kept to the required standards. 	<p>Noted comments raised by the PC.</p> <p>LCC PROW have been consulted on the application and have provided comments as above.</p>
<p>Melton Ramblers Stance neutral at the moment but may change depending on answers to questions. In the Highway Report it states "Neither of these 2 public footpaths will be affected by the proposed residential development, and they will retain their existing alignments." Will the paths still keep an open aspect once the site is developed or is it planned to enclose them between fences as this will affect them? At present there is no vehicular movements along or crossing the footpaths will this remain the case? How will vehicles and footpath users be segregated on the</p>	<p>Noted.</p> <p>LCC PROW have provided comments in relation to the application (above). The PRWO will be retained. Details as to any re-route will be provided at a reserved matters stage (in accordance with the PROW condition). Issues regarding temporary closure have been mentioned above by the PROW Officer.</p>

<p>proposed access to the site on Middle Lane? The footpath joins the highway at present on a sharp bend which is not ideal, having regular vehicular movements at this point will make a poor situation worse. what will be done to address this issue? Will the paths be kept open and available for use during the development of the site?</p>	
<p>LCC Archaeology We were involved in pre-application discussions with the applicants' agent and archaeological contractor at an early stage and have been able to determine that the proposed development is unlikely to impact significant archaeological remains. The submitted Archaeological Trial Trench Evaluation report is welcomed and we can confirm that no further archaeological work is necessary in relation to this proposal.</p>	<p>Noted.</p>
<p>LCC Ecology The ecology report submitted in support of the application (BJ Collins, April 2017) identifies the majority of the site as being improved grassland. No protected species were recorded during the survey and the pond to the north of the application site was considered to have a low potential to support great crested newts (GCN). However, the report identifies that there is a stone trough on site that holds water and the report recommends that further assessment of this feature is completed if it is to be removed.</p> <p>Mitigation is contained in section 6 of the report which includes the use of temporary amphibian fencing on the site. I assume that this relates to the potential presence of GCN within the trough. This mitigation seems onerous if GCN are not present and we would recommend that efforts are made to establish presence/absence at this stage.</p> <p>I appreciate that this is an outline application and at the present time I am unable to find any information on the proposed layout. I would recommend that the existing hedgerows on site, particularly those currently forming "field" rather than "garden" boundaries are retained and buffered from the development. A 5m buffer should be in place to allow appropriate management of the hedgerow as well as maintaining a wildlife/landscaping corridor.</p>	<p>Following the receipt of these comments, the Agent sought advice regarding the GCN. It was considered that due to the time of year it would not be appropriate to carry out a survey and as the application is outline only, this could be carried out at a later date.</p>

Representations:-

Objections were received from four properties in relation to the application, which have been assessed below:

Representations	Assessment of Head of Strategic Planning and Regulatory Services
<p>Amenity</p> <ul style="list-style-type: none"> • Our house overlooks the field, will interrupt our view of the vale. • Want to see full plans before approval – need an informed decision based on size, character, location and outlook. 	<p>There is no right to a view, therefore loss of view would not be a material consideration.</p> <p>As the application has been submitted for outline permission only, there is no requirement for details regarding size, design etc at this stage. These details</p>

<ul style="list-style-type: none"> • Difficult to understand is reasonable – no clear plan of the site or location of dwellings, might have material impact upon neighbours. • Our house will be boxed in by development. 	<p>would be assessed at reserved matters stage and it is only the principle of development on the site which is under consideration.</p>
<p>Principle of development</p> <ul style="list-style-type: none"> • Already outline permissions at other nearby sites/ properties. • Applications on the site have been repeatedly declined. • Land is highest priority and shouldn't be built on. • Parish has more than delivered on housing target. • What has changed to allow development? • Grading of land is meaningless if it can be built on. • Nether Broughton is becoming less of a rural settlement. • 54 houses have been approved – village is over no. for development. • Nether Broughton is an unsustainable village – few local amenities, limited public transport, primarily a farming community. • Land is identified as a proposed green space. • Area proposed is outside limits of development. • Support for this green space in the Neighbourhood plan. 	<p>The application site is within the village envelope of Nether Broughton and there is no previous planning history for this site.</p> <p>Neighbourhood Plan There is a Neighbourhood Plan for Old Dalby and Nether Broughton Parish. This is currently at regulation 16 stage, with consultations carried out between July and August 2017. As such the neighbourhood plan carries limited weight at present. This identified that the site is a well used unofficial recreation space. However Policy S2 of the Neighbourhood Plan has classified this area as “open countryside”.</p> <p>Draft Local Plan</p> <p>Draft Policy SS3 (Focused changes version) states that in Rural Settlements, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan. Outside of those sites allocated through the local plan, planning permission will be granted for new development in the rural area within or on the edge of existing settlements, provided it is in keeping with the scale and character of the host settlement and where it has been demonstrated that the proposal enhances the sustainability of the settlement(s) to which it relates and, through repeated application, will not result in a level or distribution of development that is inconsistent with the development strategy. It is considered that the proposal accords with this draft policy.</p> <p>Draft policy EN6 states that Development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement. This site does not meet the Protected Open Area criteria and has a poor relationship with the village, with limited visibility. The site is currently a well used unofficial recreation space, and the applicant is willing to provide some land to the Parish Council for such use.</p>
<p>Highways</p> <ul style="list-style-type: none"> • The corner is not suitable for emerging traffic from multiple dwellings. • Nearby A606 barely copes with traffic at the moment. • One of the main issues is blocking of roads with parked cars and excess traffic. 	<p>LCC Highways have raised no objection to the proposed development on highway safety grounds.</p>
<p>Other Issues raised</p> <ul style="list-style-type: none"> • Want independent person to verify boundaries. 	<p>Boundaries are not for the Council to determine and are not a material consideration.</p>

<ul style="list-style-type: none"> • Application submitted before Neighbourhood Plan comes into effect. • “Gifted piece of land” – ongoing maintenance? • Clearly not small infill but to maximise profits before neighbourhood plan comes into effect. 	<p>The timing of the submission of the application is not a material consideration in the determination of the application.</p> <p>The agent has submitted further details regarding the gifting of land, which will be carried out between the applicant and Parish Council through solicitors and a legal document. The agent has also stated that the gifting of the land would include an uplift clause and upkeep clause, likely to be in the form of a monetary contribution to the Parish Council for the first five years for maintenance of the land.</p>
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Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Strategic Planning and Regulatory Services
<p>Application of the Development Plan Policies:-</p> <p>Policies OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with.</p>	<p>It is considered that the proposed development would accord to the Melton Local Plan 1999 policies. The site is locate within the village envelope of Nether Broughton and relates well to the existing built form of the village.</p> <p>Due to the location of the proposed development, it is not considered that the development would have a detrimental impact to the appearance of the street scene or wider character of the village.</p>
<p>Housing type, size and mix</p> <p>Para 50 of the NPPF requires that planning decisions plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.</p> <p>The Housing Needs Study (Aug 2016) is considered to provide the most up to date information regarding local needs. This has been commissioned to help with the development of the (new) Melton Local Plan and focuses on housing provision over the 2011-2036 period. This specifies that there is a higher need for two rather than three bedroom homes in rural areas. Through the Borough overall, it indicates that there is a greater need for two and three bed properties.</p>	<p>The application has been submitted for outline permission for three dwellings. The size of the proposed dwellings have not been submitted in the application form. Following discussions with the agent, this number of dwellings is proposed as any increase in dwellings would have highway safety implications.</p> <p>The Housing Needs Study for the Borough has indicated that there is a requirement for two and three bedroomed properties.</p> <p>Policy H4 (Housing Mix) of the Draft Neighbourhood Plan states that new housing proposal should provide a mixture of housing types specifically to meet local needs. The provision of dwellings of 1, 2 and 3 bedrooms and homes suitable for older people including bungalows will be supported.</p> <p>The agent has confirmed via email that the applicant is willing to proposed the following options on site:</p> <p>Option 1; 1 no. 4/5 bed dwelling, 1 no. 3 bed dwelling and 1 no. 2 bed dwelling</p> <p>Option 2; 1 no. 4/5 bed dwelling and 2 no. bungalows.</p> <p>The agent has states that one larger dwelling would be required to make the development viable on the site. An informative can be included on any permission to inform the applicant of the housing mix that should be</p>

	submitted at reserved matters stage if the Committee wish.
The (new) Melton Local Plan (Pre submission draft and Addendum of Focussed Changes, July 2017) Policy SS3 states that on unallocated sites, planning permission will be granted for new development in the rural area, provided it is in keeping with the scale and character of the host settlement and where it has been demonstrated that the proposal enhances the sustainability of the settlement.	The Local Plan is progressing but it is still considered to carry only 'limited' weight owing to the steps yet to be completed and the degree to which its content is contested.
<p>Nearby Approvals</p> <p>It should be brought to the attention of the Planning Committee that there have been a number of recent approvals for housing developments in Nether Broughton over the past 18 months. These include:</p> <p>17/00636/OUT – Dalby Road, Outline permission granted for 9 dwellings (17.8.2017 Committee date)</p> <p>16/00577/FUL – 42 Main Road, full permission granted for 10 dwellings (2.2.2017 Committee date)</p> <p>16/00137/FUL – Land Adjacent to 61 Nottingham Road, full permission granted for two bungalows (7.7.2016 Committee date)</p> <p>15/01019/OUT – Heckadeck Lane, outline permission granted for up to 25 dwellings (20.06.2017 Committee date)</p> <p>15/00220/OUT – Middle Lane, outline permission granted for 4 three bedroomed semi-detached dwellings (19.08.2016 committee date)</p>	<p>As can be seen in the left column, there have been a number of recent approvals for dwellings in Nether Broughton, including one application opposite the application site (15/00220/OUT).</p> <p>Given that there have been a number of approvals for development in the village on sites which do not relate as well to the build form of the village, it is considered that should this application be refused planning permission, it may be difficult to justify this decision at planning appeal. Additionally, the applicant is willing to gift the land to the Parish Council for community use and include a mix of house type, which would be two factors in favour of the proposal.</p>
<p>Recent Appeal Decision</p> <p>A recent appeal decision (APP/Y2430/W/17/3167895) at Land off Main Road, Nether Broughton considered the sustainability of Nether Broughton for new development. The Inspectorate considered that there appears to be a lack of facilities in the village for day to day living and that despite the proposal being for live-work units, there would be a need for journeys to be made to access day to day facilities and services. The Inspector noted the low level of public transport provision and did note that there were cycle and pedestrian routes, however these would be more likely to be used for recreational purposes. The Inspector concluded that there would be a reliance on the car, contrary to the aims of the NPPF.</p>	<p>The appeal decision as mentioned considers the issue of sustainability in relation to Nether Broughton.</p> <p>Whilst it is acknowledged that Nether Broughton is not the most sustainable of locations, it is considered that on balance the proposed provision of dwellings (two identified as in need) and gifting of community land, would slightly tip this in favour of the application. However, it should be noted that this is a finally balanced issue.</p>

Conclusion:-

The application seeks outline consent for a residential development of three dwellings. It is considered that the application presents a balance of competing objective and the Committee is invited to reconcile these in reaching its conclusion.

Whilst the provision of housing would contribute to the NPPF's objectives of boosting housing supply, the Borough is considered to have an adequate housing land supply. Therefore the weight attached to provision is limited.

Nether Broughton is considered to be a reasonably unsustainable location for housing development. However due to the small scale of the development proposed, the contribution the development would make in supplying housing which has been identified as in need by the Draft Neighbourhood and Local Plan, proposed gifting of the land to the Parish Council for community use and recent approvals in the vicinity, it is considered that there are some factors in balance in favour of the application.

In conclusion it is considered that, on the balance of the issues above, it is considered that the benefit the proposed development would have to housing supply and community use of the land, would marginally outweigh the harm arising from the proposed development .

Recommendation: Permit, subject to the following conditions:-

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development shall take place until a scheme for the treatment of the Public Footpaths has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.
4. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The application is in outline only.
3. In the interests of amenity, safety and security of users of the Public Right(s) of Way.
4. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

Officer to contact: **Mrs J Lunn**

Date: 10th October 2017